

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERK'S OFFICE

UNITED STATES OF AMERICA)
)
)
 v.) CRIM. NO. 05-30019-MAP
)
)
 JUAN PAGAN,)
 a/k/a "Papa,")
)
 Defendant.)

**INITIAL STATUS CONFERENCE REPORT
PURSUANT TO LOCAL RULE 116.5(A)**

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Thomas J. O'Connor, Jr., Assistant United States Attorney, and Joseph D. Bernard, Esq., counsel for Juan Pagan, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written order.

1. The parties agree at this time that this case does not require relief from the timing requirements imposed by Local Rule 116.3.

2. The defendant requests discovery concerning expert witnesses under Fed.R.Crim.P. 16(a)(1)(E). The government requests reciprocal discovery pursuant to Fed.R.Crim.P. 16(B)(1)(C).

3. The parties anticipate that no additional discovery will be provided by the government as a result of the future receipt of information, documents, or reports of examinations or

tests.

4. The parties agree that it would be premature to establish a schedule under Fed. R. Crim. P. 12(c) for the filing and disposition of pretrial motions at the present time.

5. The parties agree that the following periods of time are excludable from the Speedy Trial Act:

- a. the period of time from September 19, 2005, the date of the defendant's initial appearance and arraignment at which time the defendant indicated his interest in participating in automatic discovery, through October 3, 2005, the date on which the government produced its automatic discovery, pursuant to L.R. 112.2 and 18 U.S.C. § 3161(h)(8)(A).

The parties agree that a total of 36 days will have elapsed under the Speedy Trial Act as of the time of the Initial Status Conference on November 8, 2005, and request that the Court issue an order indicating that the time periods described in the subparagraphs above are excludable pursuant to the Local Rules and 18 U.S.C. § 3161.

6. The parties have not discussed the possibility of resolving this case with a plea and anticipate that a trial will require approximately five trial days.

7. The parties agree that the scheduling of a final status conference would be premature and request that an Interim Status Conference be established.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


Thomas J. O'Connor, Jr.
Assistant U.S. Attorney

Joseph D. Bernard, Esq.
Counsel for Juan Pagan

Dated: November 7, 2005